

1 HONORABLE BRIAN A. TSUCHIDA
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 PRISION LEGAL NEWS,

CASE NO. 2:14-CV-479-BAT

10 Plaintiff,

ANSWER

11 v.

12 UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, AND ITS
13 COMPONENT, IMMIGRATION AND
CUSTOMS ENFORCEMENT,

14 Defendant.

15 Defendant United States Department of Homeland Security (“DHS” or “Defendant”) answers
16 the Complaint filed by Plaintiff Prison Legal News as follows:

17 Defendant denies all allegations in the Complaint unless specifically admitted below.

18 **I. INTRODUCTION**

19 1. Defendant admits that on July 2013, Prison Legal News submitted a FOIA request to
20 Immigration and Customs Enforcement (“ICE”). Paragraph 1 contains Plaintiff’s characterization
21 of its FOIA request, which speaks for itself and contains the best evidence of its content, to which no
22

1 response is required. Defendant admits that ICE failed to provide documents in response to
2 Plaintiff's FOIA request. Defendant denies all remaining allegations in Paragraph 1.

3 **II. PARTIES**

4 2. Defendant admits that Prison Legal News is a news publication. Defendant lacks
5 sufficient information to admit or deny the allegations in Paragraph 2, and therefore denies those
6 allegations.

7 3. Defendant admits that ICE is a component of DHS.

8 4. Defendant admits the allegations in Paragraph 4.

9 5. Defendant admits the allegation in Paragraph 5.

10 **III. JURISDICTION AND VENUE**

11 6. Paragraph 6 contains legal conclusions to which no response is required. To the
12 extent a response is required, Defendant does not dispute jurisdiction.

13 7. Paragraph 7 contains legal conclusions to which no response is required. To the
14 extent a response is required, Defendant does not dispute venue.

15 **IV. FACTUAL BACKGROUND**

16 8. Defendant lacks sufficient information to admit or deny the allegations in Paragraph
17 8, and therefore denies those allegations.

18 9. Defendant lacks sufficient information to admit or deny the allegations in Paragraph
19 9, and therefore denies those allegations.

20 10. Paragraph 10 contains legal conclusions to which no response is required.

21 11. Defendant lacks sufficient information to admit or deny the allegations in Paragraph
22 11, and therefore denies those allegations.

1 12. Defendant lacks sufficient information to admit or deny the allegations in Paragraph
2 12, and therefore denies those allegations.

3 13. Defendant admits that Prison Legal News submitted a FOIA request to ICE dated
4 July 30, 2013. Paragraph 13 contains Plaintiff's characterization of its FOIA request, which speaks
5 for itself and contains the best evidence of its content, to which no response is required. Defendant
6 denies any remaining allegations.

7 14. Defendant lacks sufficient information to admit or deny the allegations in Paragraph
8 14, and therefore denies those allegations.

9 15. Defendant admits that Prison Legal News sought a fee waiver pursuant to
10 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii).

11 16. Defendant denies that an ICE FOIA officer received Plaintiff's FOIA request on
12 August 5, 2013. Defendant admits that an ICE FOIA officer received Plaintiff's FOIA request on
13 August 7, 2013. Defendant denies that ICE failed to respond to Defendant's FOIA request; ICE
14 mailed an acknowledgment letter, acknowledging receipt of Plaintiff's FOIA request on
15 August 7, 2013.

16 17. Defendant lacks sufficient information to admit or deny the allegations in the first
17 sentence of Paragraph 17, and therefore denies those allegations. Sentences 2 and 3 of Paragraph 17
18 include Plaintiff's characterization of a December 21, 2013 letter, which speaks for itself and
19 contains the best evidence of its content, and to which no response is required. With respect to
20 Sentence 3 of Paragraph 17, Defendant admits that a United States Postal Service certified mailing
21 was received by ICE and signed for on December 30, 2013. Defendant denies that this letter was
22 received by the ICE FOIA officer on December 30, 2013.

23 18. Paragraph 18 contains legal conclusions to which no response is required.

1 19. Defendant denies the allegations in Paragraph 19. ICE mailed an acknowledgment
2 letter, acknowledging receipt of Plaintiff's FOIA request on August 7, 2013.

V. CAUSE OF ACTION

4 20. Defendant incorporates its responses to Paragraphs 1 through 19 above, and
5 incorporates each response therein as though fully set forth herein.

6 21. Paragraph 21 contains legal conclusions to which no response is required.

7 22. Paragraph 22 contains legal conclusions to which no response is required.

8 23. Paragraph 23 contains legal conclusions to which no response is required.

9 24. Paragraph 24 contains legal conclusions to which no response is required.

PRAYER FOR RELIEF

11 The remainder of Plaintiff's Complaint sets forth Plaintiff's prayer for relief, to which no
12 response is required. To the extent that a response is required, Defendant denies the allegations and
13 denies that Plaintiff is entitled to any relief.

Respectfully submitted,

JENNY A. DURKAN
United States Attorney

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Attorney for the United States

CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that she is an employee in the Office of the United States
3 Attorney for the Western District of Washington and is a person of such age and discretion as to be
4 competent to serve papers.

5 It is further certified that on May 5, 2014, I electronically filed the foregoing document with
6 the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the
7 following CM/ECF participant(s):

ANGELA C. GALLOWAY Angelagalloway@dwt.com

9 I further certify that on May 5, 2014 I mailed by United States Postal Service the foregoing
10 document to the following non-CM/ECF participant(s) / CM/ECF participant(s), addressed as
11 follows:

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Dated this 5th day of May, 2014.

/s/ Christine Kelly
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